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6 **UNITED STATES DISTRICT COURT**
7 **WESTERN DISTRICT OF WASHINGTON**
8 **AT SEATTLE**

9 GERARDO HERNANDEZ-ALVAREZ,

NO. C09-605-RSM

10 Petitioner,

ORDER OF DISMISSAL

11 v.

12 DEPARTMENT OF HOMELAND
13 SECURITY and ICE Field Office
Director,

14 Respondents.

15 The Court, having reviewed petitioner's § 2241 petition, respondents' motion to dismiss,
16 the Report and Recommendation of the Hon. Brian A. Tsuchida, United States Magistrate Judge,
17 and any objections or responses to that, and the remaining record, finds and Orders as follows:

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19 (1) The Court adopts the Report and Recommendation;
20 (2) Petitioner's Petition for Writ of Habeas Corpus and Motion for Stay of Removal,
21 Dkt. 1, is DENIED, respondents' motion to dismiss, Dkt. 13, is GRANTED, and
22 this action is DISMISSED with prejudice;
23 (3) The Clerk shall send a copy of this Order to the parties and to Judge Tsuchida.

24 DATED this 13 day of October, 2009.

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26 RICARDO S. MARTINEZ
UNITED STATES DISTRICT JUDGE

ORDER OF DISMISSAL